

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF UTAH, IN AND FOR THE COUNTY OF UTAH.

PROVO CITY, ET.AL.)
Plaintiffs:)
vs.) NO. 718 Civil.
PROVO BENCH CANAL &)
IRRIGATION COMPANY, ET.AL.)
Defendants.

PROVO CITY, ET. AL.)
Plaintiffs.)
vs.) NO. 957 Civil.
TELLURIDE POWER COMPANY, ET.AL.)
Defendants.

PROVO RESERVOIR COMPANY,)
Plaintiffs)
vs.) NO. 2888 Civil.
PROVO CITY, ET. AL.)
Defendants.

SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A petition of James Stewart coming on regularly to be heard before the Court sitting without a jury on this 24th day of April, 1922, Hatch & Porter appearing on behalf of petitioner, James Stewart, and the other parties to said suits included within the third, or Utah County Division of Provo River, as designated and set forth in the decree in the above entitled cause #2888 Civil, being represented by their respective counsel of record, and it appearing from the files and records herein that the hearing of the petition of James Stewart was duly filed on the ____ day of February, 1922, and that notice of the hearing of the same was served, by mailing, to each of the counsel interested herein, written notices of said hearing and there being no protest or objection to said petition filed herein, and no objection being made upon the calling of said petition for hearing, and the Court having heard the evidence and examined the proofs offered in said petition,

and being fully advised in the premises, finds the following Supplemental Facts:

1.

That James Stewart, the petitioner, is a party to the above entitled causes Nos. 718 Civil and 957 Civil in the above entitled court and that said James Stewart is not a party to the above entitled cause #2888 Civil in the above entitled Court.

11.

That said James Stewart, the petitioner, at the time of filing this petition and for more than twenty years last past, has been the owner in fee and in possession of the following described real property, situated in Utah County, State of Utah, to-wit:

Commencing 16.43 chains North, and 7.10 chains West of the South-west Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian; Thence N. 82 deg. W. 6.27 chains; thence N. 4 deg. 45' E. 13.00 chains; thence S. 82 deg. 15' E. 3.00 Chains; thence S. 47 deg. 30' E. 4.00 chains; thence S. 7 deg. 30' E. 6.14 chains; thence S. 16 deg. 15' W. 5.00 chains to the place of beginning. Area 8.20 Acres.

111.

That said James Stewart, the petitioner herein, has one one of the plaintiffs in said causes Nos. 718 Civil and 957 Civil, was awarded the right to the use of such waters of Provo River to properly irrigate said above described tract of land, and that he has each and every year since the entering of said decree, used the same on said above described land and that said waters is necessary and beneficially used, and that said James Stewart is the owner and holder of said water right as particularly set out in said decree in the above entitled causes Nos. 718 Civil and 957 Civil.

1V.

That the above entitled court in each of the above entitled causes retained, and does retain, original jurisdiction of the sub-

ject matter and of all of the parties thereto, their successors, and assigns, for the purpose of from time to time making such further orders, rules and regulations as are necessary for the regulation, control and distribution of said water according to the terms of said decree.

V.

That in the year 1913, the above entitled court appointed T. F. Wentz as the commissioner provided for in said causes Nos. 718 Civil and 957 Civil and the above entitled Court from time to time has appointed said T. F. Wentz as water commissioner in said cause No. 2888 Civil and that said T. F. Wentz now is the duly appointed, qualified, and acting commissioner of this court in each and all of said actions and said commissioner has, for a number of years last past, controlled and distributed to the petitioner, James Stewart, the quantities of water per acre to the above described lands, as that awarded in cause No. 2888 Civil to the adjoining lands.

VI.

That the lands of this petitioner above described lay under the City Creek Ditches set out in paragraph 20 of the decree in cause No. 2888 Civil and said lands are adjacent to the lands of Jacob A. Baum, Lafe Baum and S. S. Cluff, Jr. and are of the same character and require the same quantity of water per acre as the lands of Jacob A. Baum, Lafe Baum and S. S. Cluff, Jr., and that the quantity to which this defendant is entitled is a class "A" water right under said decree in cause #2888 Civil and is as follows:

8.20 acres.

From May 10th to June 20th,	Duty 57,	0.144	Second foot.
" June 20th to July 20th,	" 63,	0.130	" "
" July 20th to May 10th,	" 70,	0.117	" "

and that the same is subject to the conditions, rules and regulations as set forth in said decree in the said cause No. 2888 Civil.

Vll.

That none of the parties named in the said cause No. 2888 Civil dispute or ~~oppose~~ the right or claim of this petitioner as above set forth: that in order to facilitate the administration of the waters of Provo River hereafter, it is necessary that a supplemental decree to cause No. 2888 Civil be made binding upon this petitioner and the parties of said cause No. 2888 Civil fixing and determining the quantity of water to which this petitioner is entitled and bind this petitioner to the conditions, rules, and regulations as set out in the decree in said cause No. 2888 Civil.

CONCLUSIONS OF LAW.

As conclusions of law from the foregoing facts, the Court finds:

That James Stewart is entitled to have a supplemental decree in case #2888 Civil awarding to defendant Class "A" water rights of the waters of Provo River as follows:

8.20 Acres.

From May 10th to June 20th,	Duty 57,	0.144	Second foot.
" June 20th to July 20th,	" 63,	0.130	" "
" July 20th to May 10th,	" 70,	0.117	" "

appurtenant to and to be used upon the following described lands:

Commencing 16.43 chains North, and 7.10 chains West of the South-east Corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian; Thence N. 82 deg. West. 6.27 chains; thence N. 4 deg. 45' E. 13.00 chains; thence S. 82 deg. 15' E. 3.00 chains; thence S. 47 deg. 30' E. 4.00 chains; thence S. 7 deg. 30' E. 6.14 chains; thence S. 16 deg. 15' W. 5.00 chains to the place of beginning. Area 8.20 acres

and that said decree should make said petitioner, his successors and assigns subject to all of the provisions of the original cause #2888 Civil relative to the administration of Provo River.

Dated this 24th day of April, 1922.

Elias Hansen
Judge.